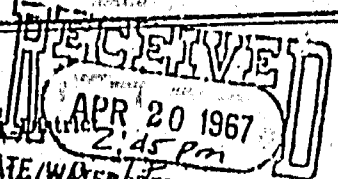


703-2

1. Considered May 17, 1967
2. Name of Applicant C. L. Ferguson & H. T. Ferguson
3. Post Office Address Philip
4. Amount of water claimed 1.71
5. Source of water supply Dry Draw
6. Water to be used for Irrigation
Acres to be irrigated 120
7. Water to diverted and used in Haakon County
about 35 miles SE of Milesville
8. Proof of Publication Received V/R
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 903-2Water Division No. 2 Cheyenne River
(Blanks to be filled by the Engineer for the W. R. Co.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant C. H. Ferguson & H. T. Ferguson
 Postoffice address Philip, County Hooker, State S. Dak

I. If a corporation No

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Direct labor & Contract(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Ferguson #13. Amount of water claimed 1.90 cubic feet per second4. Source of water supply Dry Draw5. Location of point of diversion N 80° 35' E 164 Rods from the SW Corner
Section 7 Twp 5 R 22 E on Rath bank Hooker County.6. Annual period or periods during which water is to be used April 1st through Nov 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Spreader
137.47 SEE LETTER RECD. 7-3-67(a) Number of acres to be irrigated 137.47 acres.(b) Legal subdivisions to be irrigated See Attachment

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) Stockwater & Domestic
1.5c from Dam

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP No 187-2

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

(b) Pumping plant, \$-----

Rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Ditch Completed 1950 Ditch Completed 1953

II. Dimensions of works.

(a) Dam: Height 20 feet; length at bottom ----- feet; length at top -----

250 feet; thickness at bottom 150 feet; thickness at top -----

feet; slope at front water face 4:1; slope at back face 3:1

material used in construction Packed Earth

(b) Reservoir: Capacity when filled 25 acre feet. Surface area at highwater mark 10 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Supply Direct Total length 4000' miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA
County of HARRIS

ss.

I, H. T. Ferguson and C. L. Ferguson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this

14th

day of

April

1967

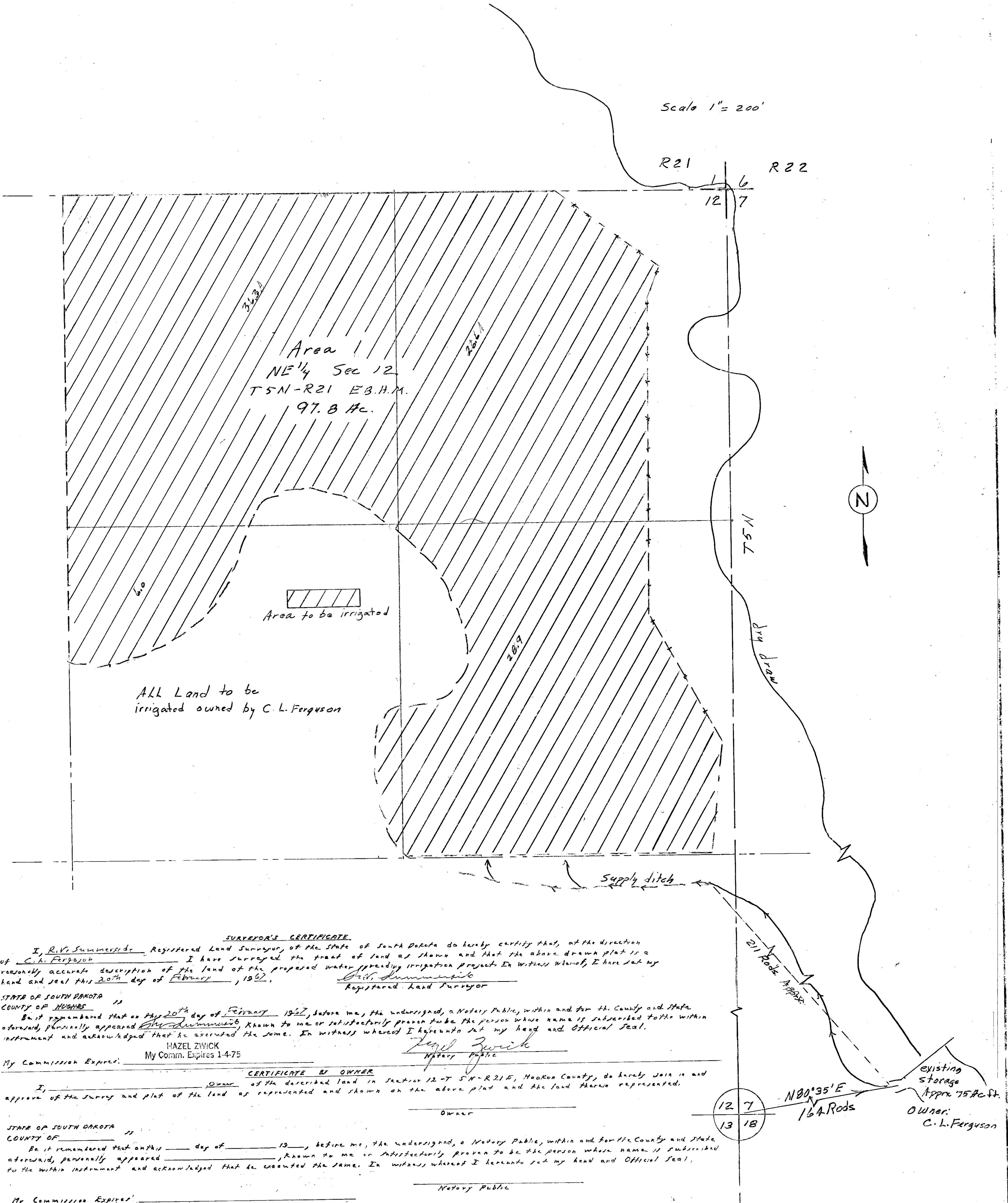
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

SCOTT LEWIS, Notary Public
My Commission Expires 10-17-1978

C. L. FERGUSON
WATER SPREADING PROJECT
Haakon County South Dakota
Section 12-T5N-R21E

Scale 1" = 200'



SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, of the State of South Dakota, do hereby certify that, at the direction of C. L. Ferguson, I have surveyed the tract of land as shown and that the above drawn plat is a reasonably accurate description of the land of the proposed water spreading irrigation project. In witness whereof, I have set my hand and seal this 20th day of February, 1967.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

Be it remembered that on this 20th day of February, 1967, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared C. L. Ferguson, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same. In witness whereof I hereunto set my hand and Official Seal.

HAZEL ZWICK
My Comm. Expires 1-4-75

I, C. L. Ferguson, Owner of the described land in Section 12-T5N-R21E, Haakon County, do hereby join in and approve of the survey and plat of the land as represented and shown on the above plat and the land therein represented.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

Be it remembered that on this 20th day of February, 1967, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared C. L. Ferguson, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same. In witness whereof I hereunto set my hand and Official Seal.

My Commission Expires

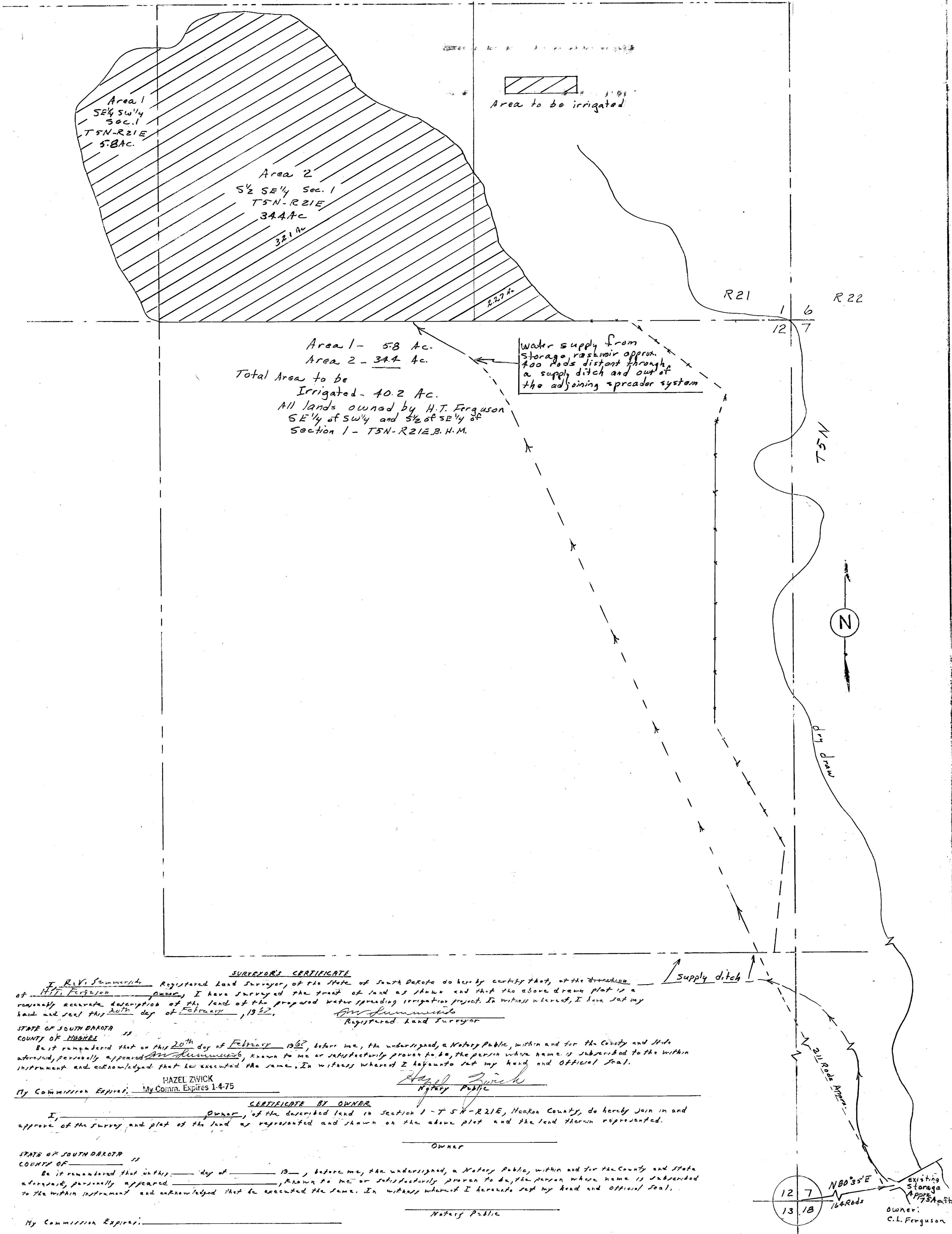
Notary Public

MAP NO 187-27 (APP. NO 903-2)

H. T. FERGUSON
WATER SPREADING PROJECT
Haakon County South Dakota

Section 1 - T5N - R21E

Scale 1" = 200'



SURVEYOR'S CERTIFICATE
I, R. V. Summerside, Registered Land Surveyor, of the State of South Dakota do hereby certify that, at the direction of H. T. Ferguson, Owner, I have surveyed the tract of land as shown and that the above drawn plot is a reasonably accurate description of the land of the proposed water spreading irrigation project. In witness whereof, I have set my hand and seal this 20th day of February, 1968.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

Be it remembered that on this 20th day of February, 1968, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared R. V. Summerside, known to me or satisfactorily proven to be, the person whose name is subscribed to the within instrument and acknowledged that he executed the same. In witness whereof I hereunto set my hand and Official Seal.

HAZEL ZWICK
My Commission Expires: My Comm. Expires 1-4-75

Hazel Zwick
Notary Public

CERTIFICATE BY OWNER
I, H. T. Ferguson, Owner, of the described land in Section 1 - T5N-R21E, Haakon County, do hereby join in and approve of the survey and plot of the land as represented and shown on the above plot and the land therein represented.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

Be it remembered that on this 20th day of February, 1968, before me, the undersigned, a Notary Public, within and for the County and State aforesaid, personally appeared H. T. Ferguson, known to me or satisfactorily proven to be, the person whose name is subscribed to the within instrument and acknowledged that he executed the same. In witness whereof I hereunto set my hand and Official Seal.

My Commission Expires: _____

Notary Public

Remarks by State Water Resources Commission:

"VESTED RIGHT CLAIMED" (SEE LOG. NOTICE 2430-2)
APPROVAL OF THIS PERMIT RECOGNIZES STORAGE
OF 75 ACRE FEET ANNUALLY

STATE OF SOUTH DAKOTA
County of HUGHES

ss.

Pierre, South Dakota,

APRIL 21, 1967

2:45 o'clock

This is to certify that the foregoing application was received by the Commission at

P. on the 20TH day of APRIL, 1967

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 903-2

Date of first receipt of application

APRIL 21, 1967

Date of return to applicant for correction, amendments or changes required as follows:

Date of receipt of corrected application

Date from which applicant may claim right

Approved MAY 17, 1967

Recorded in Book

Page 243

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

COMPLETED, IRRIGATION

4th. The water appropriated shall be used for the purpose of

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation hereinafter granted shall not exceed 1.90 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, or the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually was

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this

26TH

day of

JUNE

1967

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

Water License Issued

JULY 17, 1967
JUNE 17, 1967
JUNE 26, 1967

Legal Description To be Irrigated

H. T. Ferguson

SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 1-5-21 32.1 A

SE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 1-5-21 2.27 A

SE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 1-5-21 3.8 A

C. L. Ferguson

NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 12-5-21 36.3 A

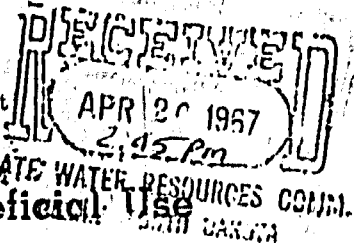
NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 12-5-21 26.6 A

SE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 12-5-21 28.9 A

SW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 12-5-21 6. A

Location No. **903-2**

Water Division No. **2 CHEYENNE RIVER** District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. **C. L. & H. T. FERGUSON**

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. **N/A**

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. **Location notice for dam posted May 7, 1950**

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. **Draw down dam N. 30° 35' E. 164 Rods. from S.W. corner section 7, 5, 22**

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. **Dam 20' high, 150' long capable of storing 75 acre feet of water. Supply ditch approx 1000' long to bring water to fields. Dam completed 1950. Ditch completed 1953.**

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. **Irrigation also stock water & domestic use**

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. **Pipe line from dam to houses about 2 miles west used for domestic purposes**

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. **1.71 C.F.S. for irrigation**

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. **Inheritance**

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. irrigation water has been available
since completion of supply ditch, it
has been used by the above listed
lands for irrigation.

(Sign) W. T. Ferguson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PRINCE, County of HARRISON, State of South Dakota, on this 11th day of April, A. D. 1967.

Witnesses.

SCOTT LOWALD, Notary Public

My Commission Expires 10-17-1973

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

SCOTT LOWALD, Notary Public

My Commission Expires 10-17-1973

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

STATE OF SOUTH DAKOTA

WATER LICENSE No. 903-2

WHEREAS, On the 20th day of April A. D. 1967

C.L. and H.T. Ferguson

of Philip County of Haakon and State of South Dakota

State of South Dakota application (No. 903-2) to us for a Vested Right permit to use 1.90

cubic feet per second of the waters of a dry draw

County of Haakon, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 26th day of June A. D. 1967

Vested Right Permit No. 903-2 was issued to said applicant recognizing for the diversion of said water, and providing the completion of the works of diversion therein described on or before the day of July 17, 1967

and for the application to beneficial use of said

water on or before the day of and

WHEREAS, On the 20th day of April A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.90

cubic feet per second of said waters, as evidenced by our Certificate No. 903-2

dated July 17, 1967 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.90 cubic feet per second of water, with date of

priority of 1953 and

WHEREAS, On the 20th day of April A. D. 1967

proof was duly made of the application to beneficial use of 1.90 cubic feet per second of said water;

for irrigating 137.97 acres in portions of Sections 1 and 12,

T5N, R21E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to C.L. and H.T. Ferguson
of Philip Vested Right
the holder.... and owner... of said permit No. 203-2
a water right, dating from 1953 to the use of 1.90
cubic feet per second of the waters of a dry draw
In the County of Haakon and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at a point N 80°35' E, 164 rods
from the SW corner, Section 7, T5N, R22E
and conducted to and upon portions of Sections 1 and 12, T5N, R21E, more specifically
described in the Certificate of Completion of Works.

for the purpose... of irrigation, subject to any limitations listed in the
permit to appropriate water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 17th day of July A. D. Nineteen
Hundred and Sixty-seven

State Water Resources Commission

By:

J.W. GRIMES Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acres _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

September 21, 1988

NOTICE

C.L. & H.T. Ferguson
Philip SD 57567

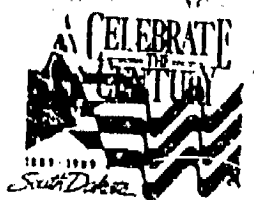
Dear Sirs:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 903-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin G. Brock*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



File No. 903-2
1306-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: C L Ferguson

ADDRESS: 1181 Parkwood, Rapid City, SD 57701 COUNTY: Haakon

DATE: January 14, 1993 TELEPHONE: 342-2210

RE: Transfer of Nos. 903-2 and 1306-2

COMMENTS:

On the 1992 irrigation questionnaire for Water Right No. 1306-2, Mr. Ferguson indicated it should be transferred to Linda Boerwinkle (his daughter). A transfer form was mailed 1-12-93.

Mr. Ferguson contacted the office and indicated he was not selling the land under Water Right No. 1306-2. The land covered under Vested Right Claim No. 903-2 was the portion being sold. (No. 903-2 is for a spreader system and does not get a questionnaire).

He asked if he could retain the water rights until after the contract for deed to his daughter was paid off. I told him that he could, however after the contract is paid, the vested right should be transferred. He stated this was fine.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division

File No. 903-2

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Larry Smith

ADDRESS: HCR 02, Milesville, SD 57553 COUNTY: Haakon

DATE: November 24, 1993 TELEPHONE: (605) 544-3249

RE: Inspection of Vested Right Claim 903-2

COMMENTS:

On July 14, 1993, I met with Mr. Larry Smith. Mr. Smith leases the land covered by this Vested Right Claim. Together, we inspected the irrigation system developed under Vested Right Claim No. 903-2. It appears the Application for Permit, the Certificate of Completion of Works, and the Water License No. 903-2 accurately describes this system.



Ken Buhler
Natural Resources Engineer

SOUTH DAKOTA

VESTED WATER RIGHT NO. 903-2 FOR IRRIGATION

Date of Receipt of Claim April 20, 1967.

Date of Validation April 6, 1994.

The Water Management Board validated Vested Water Right Claim No. 903-2 for irrigation purposes for C. L. & H. T. Ferguson, Philip SD 57567 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 903-2 appropriates 1.9 cubic feet of water per second from a dry draw located in the SW 1/4 SE 1/4 Section 7-T5N-R22E to irrigate 137.97 acres located in the S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 1, NE 1/4 Section 12; all in T5N-R21E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 thru November 1.
3. The priority date of the Vested Water Right is January 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Approval of this permit recognizes storage of 75 acre feet annually.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date



903-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

C.L. & H.T. Ferguson
Philip SD 57567

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 903-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

c: Larry Smith, Leasor

L



8524 Wabasha Avenue • Burr Ridge, Illinois 60527
Office 630-323-9880 • Fax 630-323-6316

December 3, 2002

Ms. Genny McMath
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

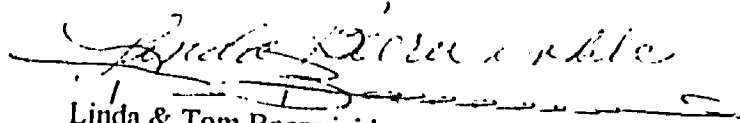
Dear Ms. McMath:

Thank you for your correspondence dated November 19th, both the letter and attached information were very helpful in better understanding the program.

We have spoken with Mr. Ferguson and Mr. Smith and have decided to retain both water rights. As instructed, we have enclosed the completed Notice of Transfer of Ownership forms along with a check for the appropriate amount.

Thank you again for your assistance. Should you have any questions or need additional information please do not hesitate to give us a call at (630) 323-9880.

Best regards,


Linda & Tom Boerwinkle

Enclosure

Cc Mr. Larry Smith
CR, Box # 11
Philip, SD 57567

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 9, 2002

RECEIVED OF Linda Beerwinkle, 8524 Walredon Ave, Burr Ridge IL 60527

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>903-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000419

By

Douglas Erbale
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 903-2

Date: 12/03/02

I/We request that Vested Water Right No. 903-2

formerly owned by: C L Ferguson

be transferred to: (name & address) Linda F. Boerwinkle Revocable Trust, 07/18/95,

Linda Boerwinkle, Trustee 8524 Walredon Ave, Burr Ridge, IL 60527

Telephone No. (630) 323-9880

Title to the following described land(s)/property has been transferred as described above:

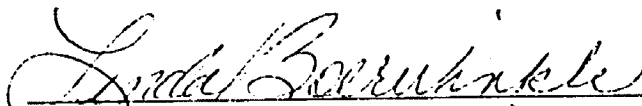
137.97 acres in the S 1/4 SE 1/4, SE 1/4 SW 1/4 Section 1 and the NE 1/4 Section 12, all in T5N, R21E

I/We understand that the validity of Vested Water Right No. 903-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Linda Boerwinkle, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
DEC 03 2002
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 11, 2002

903-2
1306-2

Linda & Tom Boerwinkle
8524 Walredon Ave
Burr Ridge ILL 60527

Dear Mr. & Mrs. Boerwinkle:

I am writing to acknowledge receipt of the Notice of Transfer of Ownership forms and filing fees you submitted for transferring Vested Water Right No. 903-2 and Water Right No. 1306-2.

The transfer for each has been completed. Nos. 903-2 and 1306-2 are now listed in the name of "Linda F Boerwinkle Revocable Trust" with Linda listed as the trustee. Enclosed are your Receipt Nos. 000419 and 000420 in the amount of \$2.50 each. You may keep them for your records.

Each year, we mail out an irrigation questionnaire to find out how much water was used from a particular source. A questionnaire is not required for 903-2 because our records show the system to be a water-spreading type system. A questionnaire will be required each year for No. 1306-2 (diversion from Plum Creek).

The questionnaire, reflecting no irrigation took place in 2002 for No. 1306-2 is already on file in our office. Next year, we will mail the form directly to Larry Smith for completion.

Thank you again for following up on the ownership changes. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

1306-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 25, 2013

903-2
1306-2

Gale Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing in regard to ownership of land described in Vested Water Right No. 903-2 and Water Right No. 1306-2. They are currently held by the Linda Boerwinkle Revocable Trust. Recently I visited with Ms. Boerwinkle concerning these rights. She indicated she had sold all of the land to you.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of both water rights for your records. If you have any questions concerning the water rights or completion of the transfer forms, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

MAY - 1 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1306-2

Date: _____

I/We request that Water Right No. 1306-2

formerly owned by: Linda F Boerwinkle Revocable Trust

be transferred to: (name & address) Gail V Miller, 907 N Madison, Pierre SD 57501

Telephone No.

Title to the following described land(s)/property has been transferred as described above:

65.8 acres – E ½ SE ¼ Section 11; W ½ SW ¼ Section 12; NW ¼ NW ¼ Section 13;

E ½ NE ¼, SW ¼ NE ¼, SE ¼ NW ¼, E ½ SW ¼ Section 14, T5N, R21E

I/We understand that the validity of Water Right No. 1306-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Gail Miller, the new owner, certify that the above information is true and correct.

Gail V. Miller
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/1, 20 13

RECEIVED OF Gail V Miller 907 N Madison Pierre SD 57501

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1306-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06320**

By Jaime Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 2, 2013

903-2
1306-2

Gale Miller
907 N Madison
Pierre SD 57501

Dear Mr. Miller:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Vested Water Right No. 903-2 and Water Right No. 1306-2.

The ownership changes have been completed. Vested Water Right No. 903-2 and Water Right No. 1306-2 formerly held by the Linda Boerwinkle Revocable Trust are now listed in your name.

Enclosed for your records are Receipt Nos. 06319 and 06320 in the amount of \$50 each which you paid for filing the ownership changes.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures